REMARKS

As a result of the foregoing Amendment, claim 4 has been cancelled inasmuch as the recitation therein is now present in claim 3. This obviates the objection voiced in the first paragraph on page 2 of the Office Action, although it is believed that the Examiner inadvertently referred to canceling claim 3 rather than claim 4.

Reconsideration and withdrawal of the rejection of the claims as being unpatentable under 35 U.S.C. 103(a) over the Terashima et al. '665 Patent in view of Bell et al. '595 are requested. The Examiner asserts that the Terashima patent discloses a method for producing a multi-layer analytical element composed of a water-impermeable transparent support, at least one water-permeable layer and a spreading layer composed of a polyester and which has the function of spreading liquid uniformly. The Examiner further asserts that a self-developing substrate is incorporated into the spreading layer so as not to be brought into contact with a buffering agent in the water-permeable layer. The Examiner recognizes that Terashima does not disclose supplying an organic solvent to the spreading layer before applying a reagent solution.

The Examiner then relies on Bell as suggesting applying a tetrazolium salt to a matrix from its solution in an organic solvent and after drying, applying the reagent system to the matrix from an aqueous solution. The Examiner concludes that it would have been obvious to one having ordinary skill in the art to modify Terashima to apply the organic solvent first to the spreading layer and then thereafter applying the reagent system.

It is submitted that this is an incorrect combination of these references and that the combination does not apply to the present claims as they stand. In particular, claim 3 requires that an organic solvent which is a lower alcohol containing 1 to 4 carbon atoms or a ketone which does not contain a reagent is first applied to the spreading layer. Thereafter, a reagent solution containing a critical reagent for the analysis is applied <u>while leaving the organic solvent on the surface</u>. Clearly, and as recognized by the Examiner,

Bell requires the application of a tetrazolium salt dissolved in an organic solvent onto the matrix and then drying the applied organic solvent. Accordingly, this does not, as required by the present claims, leave the organic solvent on the surface. In fact, the drying removes the organic solvent. Thereafter, Bell applies a reagent system in an aqueous solution. Consequently, if one were to combine the teaching of Bell to that of Terashima, one would not end up with a process wherein the organic solvent is left on the surface of the spreading layer. Rather, the combination of these references teaches just the opposite; i.e., the removal of the applied organic solvent before applying the reagent containing solution. There is certainly nothing in Bell which suggests that one could or should not first remove the organic solvent by drying before applying the second aqueous solution.

Moreover, Bell et al. merely teaches that since the reagents comprise a tetrazolium salt which is insoluble in water but soluble in an organic solvent and a reagent system which is water-soluble but which is insoluble in organic solvent, the reagents need to be applied in two steps. Thus, in fact, in the first application of the organic solvent, the tetrazolium salt is actually a reagent; i.e., it is part of the overall reagent that is utilized in Bell. Thus, the organic solvent is applied first in order to avoid elution of a significant amount of the tetrazolium salt from it and to provide a matrix having a tetrazolium salt and reagent system uniformly disperse therein. Certainly, Bell et al. contains no information which suggests that an organic solvent which does not contain a reagent, a requirement of the present claims, should be carried out. Consequently, Bell et al. fails to make the primary reference more relevant to the present invention because it first specifically requires removal of the organic solvent by drying and secondly requires the application of an organic solvent which contains a reagent. This is contrary to the process recited in the present claims. This rejection is untenable and should be withdrawn.

In view of the foregoing, it is submitted that this application is in condition for allowance and favorable reconsideration and prompt notice of allowance are earnestly solicited.

Respectfully submitted,
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February 21, 2006
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